

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID STEBBINS, d.b.a. ACERTHORN

PLAINTIFF

VS.

Case 3:21-cv-04184-JSW

KARL POLANO, d.b.a. SOFIANNP, ALPHABET INC.,
DISCORD INC., FACEBOOK INC.,
FREDERICK ALLISON, d.b.a. INITIATIVEKOOKIE, and
RAUL MATEAS, d.b.a. TGP482,

DEFENDANTS

MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT

Comes now, *pro se* Plaintiff David Stebbins, who hereby submits the following Motion for Leave to File a Third Amended Commplaint.

1. By the time this motion gets filed, Alphabet will have made an appearance in the case through its counsel Jason Wollick, filing a stipulated extension of time to submit their responsive pleading.
2. During the phone call where Mr. Mollick and I discussed this extension, he also advised me that he planned to seek dismissal on behalf of Alphabet, not because I had failed to state a claim upon which relief can be granted, but because I had listed the wrong defendant. He says I should have listed Youtube LLC as the defendant, rather than Alphabet Inc., because a parent company is not automatically liable for the actions of its subsidiary.
3. However, he also said that this would not result in me having my case thrown out altogether, since the Court would simply grant me leave to file another Amended Complaint to rectify this clerical error.
4. I would prefer to get this out of the way right off the bat, rather than wait for the inevitable to happen. So to expedite the proceedings, I move for leave to file a third Amended Complaint.
5. Attached to this motion is a copy of my proposed Third Amended Complaint. I am also listing Instagram LLC and Twitch Interactive Inc as co-defendants, since they are subsidiaries of Facebook and Amazon, respectively. I want to have all my bases covered.
6. You will also notice that I am still keeping the parent companies as defendants. This is because, according to my research n the matter, there are some limited instances where a parent company can indeed be held liable for the actions of its subsidiary. I believe I have a reasonable case for Alphabet to qualify for one of those exceptions, and I want to keep my options open for Facebook and Amazon as well, just in the off chance I may discover evidence during this case that makes them qualify for an exception as well.

7. I have persuaded Process Service Network, LLC to hold off on serving process on defendants Mateas and Polano, just so I don't have to pay twice to serve them again. Once I file this motion, I will send the Third Amended Complaint to them, and I will ask them to send both amended complaints to their respective countries' hague service authorities. That way, even if this Court denies this motion to leave, I will still have served the correct copy of the complaint on them.

Wherefore, premises considered, I respectfully request that the Court grant me leave to file the attached Third Amended Complaint.

So requested on this, the 1st day of October, 2021.

/s/ David Stebbins
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